



Joint Statement by Attorney General Eric Holder and Director of National Intelligence James Clapper on the Declassification of Renewal of Collection Under Section 215 of the USA PATRIOT Act (50 U.S.C. Sec. 1861)

March 28, 2014

Earlier this year in a speech at the Department of Justice, President Obama announced a transition that would end the Section 215 bulk telephony metadata program as it existed, and that the government would establish a mechanism that preserves the capabilities we need without the government holding this bulk data. As a first step in that transition, the President directed the Attorney General to work with the Foreign Intelligence Surveillance Court (FISC) to ensure that, absent a true emergency, the telephony metadata can only be queried after a judicial finding that there is a reasonable, articulable suspicion that the selection term is associated with an approved international terrorist organization. The President also directed that the query results must be limited to metadata within two hops of the selection term instead of three. These two changes were put into effect on Feb. 5, 2014, when the FISC granted the government's motion to amend its Jan. 3, 2014, primary order approving the production of telephony metadata collection under Section 215. Following a review for declassification the Jan. 3 primary order, the government's motion to amend that order, and the order granting the motion were posted to the FISC's website, as well as the Office of the Director of National Intelligence website and icontherecord.tumblr.com.

In addition to directing those immediate changes to the program, the President also directed the Intelligence Community and the Attorney General to develop options for a new approach to match the capabilities and fill gaps that the Section 215 program was designed to address without the government holding this metadata. He instructed us to report back to him with options for alternative approaches before the program came up for reauthorization on March 28. Consistent with the President's direction, we provided him with alternative approaches for consideration.

After carefully considering the available options, the President announced yesterday that the best path forward is that the government should not collect or hold this data in bulk, and that it should remain at the telephone companies with a legal mechanism in place that would allow the government to obtain data pursuant to individual orders from the FISC approving the use of specific numbers for such queries. The President also noted that legislation would be required to implement this option.



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Given that this legislation is not yet in place, and given the importance of maintaining this capability, the President directed the Department of Justice to seek a 90-day reauthorization of the existing program, which includes the modifications that he directed in January. Consistent with both the President's direction, and with prior declassification decisions, in light of the significant and continuing public interest in the telephony metadata collection program, DNI Clapper declassified the fact that the United States filed an application with the FISC to reauthorize the existing program as previously modified for 90 days, and that today the FISC issued an order approving the government's application. The order issued today expires on June 20, 2014. The Administration is undertaking a declassification review of this most recent court order. When the review is complete the ODNI will post the documents to its website and icontherecord.tumblr.com.